

REMARKS

Claims 19-28 currently appear in this application. The Office Action of December 29, 2004, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicants respectfully request favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Applicants attorney wishes to thank Examiner Ragonese for the courtesies of reviewing proposed amendments and conducting telephonic interviews regarding the proposed amendments on February 9 and 17, 2005.

Claims 9-17 are rejected as being anticipated by Wilson.

This rejection is respectfully traversed. Wilson discloses a mask for preventing aspiration of dust, sawdust, and other irritants (column 1, lines 6-8). Wilson provides a mask with openings into which a tube can be inserted to orally direct air for blowing away dust while wearing an air mask (column 1, lines 51-53). In contrast thereto, the mask of the present invention is self-contained, and has an area that can be opened and closed at will without removing the mask. This area can be an opening covered by elastic or flexible material as disclosed in paragraph 0044 of the specification as filed,

or can be an elastic or flexible material that is self-closing, as described in paragraph 0048 of the specification as filed.

In contrast thereto, the Wilson mask requires an air-directing apparatus which may be sold separately from the mask (column 2, lines 43-47. The air-directing apparatus is separate from the mask and must include a means for attaching the air-directing apparatus to the mask. This air-directing apparatus includes a sealing means which includes a washer, threaded portion, and sleeve. The washer 9 is used to help seal an opening in the mask 1 and may be separate from or rigidly connected to threaded portion 6 (column 2, lines 12-15). It is clear from this description and from the illustration in Figure 1 that the sealing means are more than a flexible or elastic material.

The mask of the present invention is for aspirating substances when the mask is in place. In contrast thereto, Wilson discloses a mask for blowing away dust, particles, etc. The present mask is designed to enable the wearer to aspirate nourishment through the opening in the mask while still protecting the mouth and nose of the wearer from whatever particles or irritants are present in the air. The Wilson mask is designed for allowing a mask wearer to direct air

toward a work piece or work surface while maintaining the protection of the mask (column 1, lines 23-26).

As described in column 2, beginning at line 3, the Wilson air mask includes an air mask, a tube, and outside connecting means. The tube extends from outside the air mask through outside sealing means 3 and into the user's mouth. The mask of the present invention has no such sealing means. In Wilson, the tube 7 fits snugly inside a sleeve and is held in place by friction between the outside surface of tube 1 and the inside surface of sleeve 7. In another embodiment, a one-way flapper valve is attached to the tube. In the present invention, the one-way opening is part of the mask, not an attachment thereto.

Wilson's invention is not really a mask, but is an apparatus that can be used in connection with a mask to enable the wearer to blow away unwanted particulates. Wilson's mask requires a tube to be fitted to the mask for blowing air through the tube. The mask of the present invention does not require such a tube or connecting means. There is no need for the sealing mechanisms of Wilson in the mask of the present invention.

Wilson proposes making a cut or opening in any closed mask. The present invention, on the other hand, provides a mask in which a particular opening is an integral

part of the mask itself, as is the covering of the openings. That is, the mask of the present invention has a self-contained mechanism for closing (as opposed to sealing) of the openings. Wilson's apparatus for blowing air away from the wearer is separate from the mask. The mask of the present invention is completely self-contained.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of de Saint-Rapt et al. or Colley.

This rejection is respectfully traversed. As noted above, the mask of the present invention is quite different from that of Wilson, in that Wilson provides a mask for blowing away dust, etc. from the wearer, while the mask of the present invention is designed to enable the wearer to ingest nourishment through a tube while the mask still protects the wearer's nose and mouth. As noted above, the mask of the present invention includes an area that can be opened and closed at will which comprises an opening covered by an elastic or flexible material or an elastic or flexible material that is self-closing. This is quite different from the apparatus disclosed in Wilson.

In view of the above, it is respectfully submitted that the claims are now in condition for allowance, and favorable action thereon is earnestly solicited.

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Reply to Office Action of December 29, 2004

Respectfully submitted,

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